



Interview Summary: Manitoba Witness Panel

Background

Michael Richards is the Deputy Cabinet Secretary for Strategic Operations and Deputy Minister of Intergovernmental Affairs (IGA) at the Government of Manitoba (“DM Richards”). In both of these roles, his direct Minister is Premier Stefanson (who is both premier of Manitoba and the Minister of IGA). He supports her and the entire Cabinet, and works across government with the Clerk of Executive Council and all departments.

Michael Koppang is Assistant Deputy Minister of Public Safety (“ADM Koppang”). He reports to Deputy Minister of Justice and Deputy Attorney General David Wright (“DM Wright”). One of ADM Koppang’s main responsibilities is ensuring legislative security, both on site at the legislature and for some members of the executive. Another of his responsibilities is supervising the Director of Policing, under *The Police Services Act*. His role also has a policy aspect, which includes attending federal-provincial-territorial (“FPT”) tables. He also has prior experience as an RCMP officer.

The panel members were interviewed by Gabriel Poliquin and Dahlia Shuhaibar on September 13, 2022. Questions about this interview summary should be directed to Ms. Shuhaibar. Text contained in square brackets are explanatory notes provided by Commission counsel to assist the reader.

Involvement in the events of January and February 2022

During the events of January and February 2022, DM Richards was engaged largely in his role as deputy minister of IGA. He was tangentially involved in briefing government on the protest situation in Manitoba, but this was largely ADM Koppang’s responsibility. DM Richards supported and advised Premier Stefanson, and liaised with the department of justice, as the position of the government of Manitoba developed. He also worked with his IGA counterparts at the FPT level for briefings and feedback; he prepared, conveyed, and reinforced the position of the government of Manitoba. To these ends, he participated in meetings organized by the federal deputy minister of IGA, Michael Vandergrift (“DM Vandergrift”), which brought together deputy ministers of IGA from the federal government and the provinces and territories (the “DM IGA table”). He also had other contacts with his FPT counterparts outside of organized roundtables.

ADM Koppang provided regular reports on the events happening in Manitoba and other provinces to Kelvin Goertzen (Minister of Justice and Attorney General of Manitoba), DM Wright, and Donald Leitch (Clerk of the Executive Council).¹ He maintained regular contact with senior members of law enforcement and formed a kind of working group to

¹ See, for example, MAN00000034, MAN00000035, and MAN00000045.



ensure that lines of communication were timely and succinct. He spoke frequently to senior members of the RCMP, which was responsible for managing the Emerson blockades, and of the Winnipeg Police Service (“WPS”), which was responsible for the events near the provincial legislature. He also received information from his department’s provincial intelligence branch. Importantly, his role does not include any operational direction; he acts as a conduit of information between law enforcement and government.

In addition to sharing information about what was happening on the ground, ADM Koppang advised government officials on their communication strategy and other matters relative to Manitoba protests and law enforcement. He proposed a communication strategy that would use non-inflammatory language in support of police activity.² He explained that every inflammatory comment by government would cause a reaction, so a strategy that was factual, neutral, and conciliatory would be best. He referred to some inflammatory language from the federal government, which the government of Manitoba considered to be unhelpful.

Protest-related activity in Manitoba

[The Government of Manitoba’s institutional report describes protest activity that occurred in that province in January and February 2022. There were two broad categories of activity: protests at the legislative building in Winnipeg between February 4 and 23, and a blockade at the Emerson border crossing between February 10 and 16. The panel members were not asked about every aspect of the institutional report; this summary should be read in conjunction with the report.]

ADM Koppang receives regular intelligence assessments on potential protests and threats in the normal course of his work. He began to receive more frequent reports once the protest activity began in other provinces and especially in the days leading up to February 4, when the protests at the Winnipeg legislature began. ADM Koppang noted that the Freedom Convoy had passed through Winnipeg on the way to Ottawa. At the time, there had been reports that the convoy might spend some time around the Winnipeg legislature, but that did not materialize.

ADM Koppang explained that protest activity around the legislature was largely contained to Memorial Boulevard, which is not a main thoroughfare. WPS’s objective was to avoid having the protestors block Broadway or Osborne, two major thoroughfares. He understood that WPS had good communication with protestors and was able to negotiate with them to ensure that Broadway and Osborne remained largely open (albeit with some lane closures) and to keep the protests off the legislative grounds.

² MAN00000045.



[On February 12, around 200 to 300 counter-protestors arrived on Memorial Boulevard and a portion of Broadway, where various trucks, trailers, farm implements, and passenger vehicles had been parked.³] ADM Koppang explained that the counter-protestors were in support of different causes. Some were opposed to the convoy protests, while others seemed to be “rabble rousers” who simply wanted to join the activity. There had also been a First Nations encampment near the provincial legislature for some time, which was unrelated to the convoy protests. Based on the information he was privy to, ADM Koppang was not aware of any coherent ideology common to all the counter-protestors.

ADM Koppang noted that relatively minimal violent activity occurred during the protests. On February 5, someone drove into three or four protestors. The sole male driver was not connected to the protest. He was located and arrested by WPS and charged with 11 charges including Dangerous Operation of a Motor Vehicle Causing Bodily Harm, and Failure to Stop after Accident. There were also unconfirmed reports of other incidents, such as a counter-protestor grabbing the sign of a protestor. ADM Koppang stated that on the whole, however, there was no widespread violence and that the WPS did a good job of controlling the situations using existing policing tools.

ADM Koppang's reports referred to possible activity at the Ottawa airport.⁴ He explained that he included that activity because he expected that government officials would be concerned that protests would occur at Winnipeg Richardson International Airport if such activity occurred at the Ottawa airport. The RCMP (which has jurisdiction over the airport) and WPS (which is responsible for surrounding streets) were both aware of the potential for such activity and were monitoring it.

As for the activity at the Emerson border crossing, ADM Koppang confirmed Manitoba's view that the situation was different than in other provinces. For one thing, there were only around 20 vehicles at the Emerson border compared to hundreds at Coutts and the Ambassador Bridge. As a result, he did not receive police requests for more equipment to remove the vehicles. Further, unlike in Coutts, police were not raising concerns about violent elements among the protestors. Another difference was that there were other ports of entry close to Emerson, which allowed police to divert traffic there fairly easily.

That said, certain industries did express concerns and were vocal about the need to re-open the Emerson border crossing. ADM Koppang pointed out that it was very cold in Manitoba during the blockade, which was problematic for transporting livestock (which could literally freeze to death if stationary for too long) and raised concern among the agricultural sector. The RCMP and CBSA were able to divert that traffic to other crossings fairly quickly. DM Richards stated that the trucking industry was also vocal

³ Institutional Report of the Government of Manitoba at para 7.

⁴ See, e.g., MAN00000034.



about the closure; again, however, the RCMP and CBSA were able to reroute traffic reasonably successfully.

The Lead-Up to the Emergencies Act

As the protest situation developed in Manitoba and elsewhere across the country, there were some FPT discussions. ADM Koppang attended the Federal-Provincial-Territorial Crime Prevention and Policing (FPT CPPC) meetings on behalf of Manitoba. Another colleague attended Transport Canada's roundtables. ADM Koppang stated that at no point did federal consideration of the *Emergencies Act* arise.

[On February 10, Winnipeg's City Council convened a Special Meeting and adopted a resolution relating to the protests at the legislature. Among other things, it called on the Province and WPS to take stronger actions to end the protest.⁵] ADM Koppang believes the action that the City Council was seeking was in relation to the noise; there was incessant honking by protestors. He noted that the province was providing other assistance by communicating what was occurring at FPT tables and sharing information and intelligence.

[On February 11, Premier Stefanson wrote to Prime Minister Trudeau "urging immediate and effective federal action regarding the blockade activity." The letter mentioned activity by CBSA and welcomed discussions about potential federal-provincial collaborative action.⁶] DM Richards explained that Premier Stefanson was seeking assistance in the sense that the federal government should relax federal pandemic measures affecting the border and Canada's trade relationship with the United States, and that the federal government should talk to the protestors about a timetable for relaxing the pandemic measures. He stated that this was not a request for federal assistance to law enforcement in Manitoba—quite the opposite, the WPS and RCMP had the two situations under control.

DM Richards spoke to DM Vandergrift around the time that Premier Stefanson's letter was sent. While he did not specifically recall the content of that conversation, he stated it is customary to provide a "heads up" around such a letter and believes he reinforced the view expressed in the letter that the federal government should relax pandemic border measures.

On February 12, DM Richards attended a virtual call between federal Minister Alghabra and his Manitoba counterpart, Minister Piwniuk, during which the Emerson border situation was discussed. Minister Piwniuk confirmed that Emerson was very different

⁵ MAN00000020.

⁶ MAN00000040.



than the Ambassador Bridge and Ottawa situations. DM Richards states that at no point during this meeting did federal consideration of the *Emergencies Act* arise.

Consultation on the Emergencies Act

At 9:46 pm local time on February 13, through DM Richards, Manitoba received an invitation to a virtual First Minister's Meeting ("FMM") being called by the Prime Minister for the following morning, on February 14. No indication of the agenda or subject matter was provided.⁷ DM Richards noted that the next day, just prior to the FMM and while he was meeting with Premier Stefanson, national media reports began to circulate suggesting the *Emergencies Act* could be invoked.

DM Richards attended the FMM meeting with Premier Stefanson.⁸ He stated that the Prime Minister confirmed the federal government was considering invoking the *Emergencies Act*, and that this was the first federal indication of this possibility made to Manitoba.

DM Richards stated that a number of premiers, including Premier Stefanson, indicated that they had appropriate tools in place to respond to situations in their jurisdictions, did not believe the Act should be applied in their provinces, and asked that its application be confined to those jurisdictions that wanted it to apply.

Later on February 14, Premier Stefanson issued a statement opposing the use of the *Emergencies Act*.⁹ DM Richards wrote to DM Vandergrift concurrently to share the statement and reiterate Manitoba's view that the Act, if invoked, should not apply in Manitoba.¹⁰ He also suggested that DM Vandergrift get an update from the national RCMP liaising with provincial RCMP forces at Emerson. He noted that the Manitoba RCMP was confident that "a negotiated resolution was imminent", that the "federal EA musing has negatively impacted this momentum, at least initially," and that it made local RCMP "operational work and planning more difficult."¹¹ DM Richards and ADM Koppang explained that the Act negatively impacted the momentum in the sense that it disrupted ongoing negotiations with the protesters that were already nearing successful conclusion.

⁷ MAN00000048.

⁸ See MAN00000053 for notes on this meeting produced by Manitoba.

⁹ MAN00000006.

¹⁰ MAN00000052.

¹¹ Ibid.



DM Richards stated that apart from the FMM on February 14, no further consultation with the government of Manitoba occurred. After Premier Stefanson's statement opposing use of the *Emergencies Act*, during a press conference later in the afternoon on February 14, the Prime Minister confirmed that the *Emergencies Act* was being invoked across the country.

After February 14 – Manitoba's Position

On February 15, DM Richards attended a DM IGA meeting called by DM Vandergrift. Manitoba provided detailed notes prepared by Manitoba IGA staff concerning that meeting.¹² DM Richards stated that, as part of the briefing provided on behalf of the federal government, Deputy Clerk of the Privy Council and Associate Secretary to the Cabinet Nathalie Drouin emphasized that the Act had to apply nationally, rather than in a single province, because the financial measures had to apply across Canada. DM Richards raised Manitoba's concerns about both the limited consultation process that had occurred and whether the legal thresholds for the *Emergencies Act* had been met. He contrasted the February 14 FMM consultation with the much longer PT consultation process followed by the federal government in 2020 over potential use of the *Emergencies Act* concerning the COVID-19 pandemic. He also asked whether PTs could "opt out" from having the *Emergencies Act* apply in their jurisdictions. Deputy Clerk Drouin reiterated that the national scope of financial institutions made it necessary that the *Emergencies Act* apply nationally.

Later on February 15, DM Richards emailed DM Vandergrift to confirm Manitoba's position that the threshold for invoking the Act had not been met and that the consultations had been inadequate. Regarding the federal position that financial institution measures required national application of the *Emergencies Act*, he noted that "[a] policy desire to avail of one of the intended measures across the country – the powers to be afforded financial institutions without a court order – does not override the absence of the clear statutory thresholds and conditions required prior to a legal declaration under this extraordinary legislation."¹³

The next day, on February 16, DM Richards had another virtual meeting with DM Vandergrift and counterparts from the federal and provincial departments of justice, to bilaterally discuss and confirm Manitoba's reaction. He again reinforced Manitoba's position that the legal thresholds for the *Emergencies Act* had not been met, that the national scope of financial institutions was not justification, and that consultation had

¹² MAN00000061.

¹³ MAN00000062.



been inadequate and defective. He also attended another FPT meeting of the DM IGA table on February 17.¹⁴

ADM Koppang attended a February 16 meeting of the FPT CPPC. He noted that the attendee from Saskatchewan [ADM Robert Cameron] asked a question about which officers were subject to the emergency order and was told he would receive an answer later. He understands that ADM Cameron did not receive a response.

Lessons Learned

Reflecting on the position of the Manitoba government, DM Richards notes that invoking the *Emergencies Act* is a very serious matter—an extraordinary and marked departure from normal legal and democratic norms—that requires exacting scrutiny. Consultation with provinces and territories needs to be meaningful and adequate. Especially where the *Emergencies Act* is applied over the objections of provinces and territories, where they are of the view that they have the authority, capacity and tools necessary to deal with situations occurring in their jurisdictions.

DM Richards emphasized that law enforcement in Manitoba was able to successfully address local protests using conventional tools and established practices: existing laws, de-escalation, establishing rapport with protestors, contingency planning, etc.

Apart from underlying legal considerations concerning this use of the *Emergencies Act*, DM Richards noted Manitoba's view that it highlights significant cooperative federalism concerns.

ADM Koppang noted that invoking the Act caused confusion in Manitoba and actually delayed the resolution of the blockade at Emerson. It was also difficult for his department to explain to law enforcement how the Act would apply because there was insufficient explanation from the federal government. He indicated that officers were not sure who exactly was empowered to take the measures under the Act (for example, a question arose as to whether peace officers were also empowered to implement emergency measures, or whether emergency powers were the exclusive purview of the RCMP and WPS in Manitoba).

He noted that typically governments do not provide additional powers to law enforcement without a significant amount of consultation and explanation beforehand, and relayed that this *Emergencies Act* experience reinforces the importance of that approach.

¹⁴ MAN00000068.